

Remarks/Arguments

Claims 25-34 and 36-38 remain pending in the application. Re-examination and reconsideration is respectfully requested.

Claims 25, 28 and 32 have been amended to recite “an outer layer including an inner surface and comprising a first polymer material having a thickness of 0.013 inches to 0.025 inches, said first polymer material in the form of a dry particulate which has been melted.” Support for the reference to the feature of a thickness of 0.013 inches to 0.025 inches can be found at paragraph [0051] of the published application, which recites that the outer layer has an average thickness of between and including 0.005 to 0.025 inches. In addition, paragraph [0051] goes on to recite that such range may be narrowed by 0.001 inch increments. Accordingly, no new matter has been entered.

Support for the recitation that the first polymer material is in the form of a dry particulate may be found at paragraph [0046] of the published U.S. application which recites “[t]he mold surface **31** is then heated and a first polymer material **24**, preferably in the form of a dry particulate such as powder or microspheres, is cast onto the heated mold surface **31** as shown in **FIG. 3**. The first polymer material **24** is allowed to melt on the heated mold surface **31** and form an outer layer **76**....”. Accordingly, no new matter has been entered.

In addition, the independent claims have all been amended to recite that the shell has sufficient tensile load elastic limit to be removed from a mold without permanent deformation. Support can be found at paragraph [0052] which discloses that the shell may be one that has a sufficient tensile load elastic limit to be removed from the shell mold surface 31 without or negligible permanent deformation. Accordingly, no new matter has been entered.

Finally, the independent claims have been amended to simply recite that the outer layer includes an inner surface, for antecedent basis purposes. Again, no new matter has been entered.

As an initial matter, claims 28-30 and 32-34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Gardner, Jr. (US 6,013,210). Gardner, Jr. appears to be directed at a process for forming a panel structure comprising a rigid substrate and a layered composite structure, the layered composite structure comprising an at least partially exposed outer layer and

an inner layer wherein the outer layer is a *water dispersed* aliphatic thermoplastic urethane and the inner layer is a plasticized poly(vinyl chloride).

Gardner, Jr. specifically discloses and teaches that the outer layer 26 comprise a water-dispersed composition comprising at least one light-stable aliphatic thermoplastic polyurethane containing at least one pendent functional group selected from the group consisting of hydroxyl and carboxyl functional groups, at least one coloring agent, and at least one heat-activated crosslinker. Gardner, Jr. further discloses (column 6, lines 55-59) that the water-dispersed composition is substantially dried by being subjected to a heat source to induce the evaporation of water and solvents therefrom. Accordingly, Gardner, Jr. does not disclose, teach or suggest that the polymer material forming the outer layer is in the form of a dry particulate or that it can be melted.

Furthermore, Gardner, Jr. teaches that the outer layer is one that has a thickness in the range of 1.0 mils (0.001 inch) to 1.5 mils (0.015 inch). As can be seen, and understandably, utilizing the spray system of Gardner, Gardner does not achieve the outer layer thickness that is now recite in the pending claims.

In addition, Gardner offers no instruction on how thick the outer layer should be, with regards to ensuring that the shell has a sufficient tensile load elastic limit to be removed from a mold without permanent deformation.

It is therefore submitted that the rejection of amended claims 28 and 32 in view of Gardner, Jr. has been traversed. Claims 29, 30, 33 and 34 depend directly or indirectly from one of amended claims 28 or 30 and are therefore similarly distinguished.

Dependent claims 31, 37 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardner, Jr. in view of Madonia et al. (US 4,546,022). Gardner, Jr. is discussed above.

Madonia et al. appears to be directed at a continuous decorative molding suited for attachment to exterior sides of vehicles *consisting of* an extruded solid base section of *foamed* plastic material (item 12 in Fig. 1), a *preformed* cover layer (item 24 in Fig. 1) and a further protective skin layer portion (item 36 in Fig. 1) applied as a **preformed** thin skin. This art is now believed to be non-analogous to the present invention.

It is further submitted that Madonia et al. does not make up for the deficiencies of Gardner, Jr. regarding an outer layer including an inner surface and comprising a first polymer material, the first polymer material in the form of a dry particulate which can be melted, as applied to dependent claims 31, 37 and 38.

Furthermore, Madonia, at best, discloses that the outer sheet has a thickness of 0.006 to 0.012 inches. Col. 1, lines 29-37. The presently amended claims define over these values. In addition, Madonia, in a manner similar to Gardner, offers no instruction on the manufacture of a shell such that the shell has a sufficient tensile load elastic limit to be removed from a mold without permanent deformation. This is understandable as Madonia is occupied with the extruding foamed plastic with an outer covering that does not engage a mold surface. Col. 2, lines 30-34.

Claims 25-27 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Madonia et al.(US 4,546,022) in view of Gardner, Jr. The deficiencies of Madonia and Gardner are noted above and incorporated by reference with respect to the newly amended claims presented herein.

In consideration of the amendments to the claims and the remarks hereinabove, Applicants respectfully submit that all claims currently pending in the application are believed to be in condition for examination. Allowance at an early date is respectfully solicited.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,

/Steven J. Grossman/

Steven J. Grossman
Attorney for Applicant
Reg. No. 35,001
Customer No. 32047